

30583. Sample Nos. 79939-K, 79975-K to 79977-K, incl., 80311-K, 80365-K, 80371-K, 80441-K, 80541-K.)

INFORMATION FILED: June 1, 1951, District of Massachusetts, against the Linus D. Drury Corp., trading as Drury's Pharmacy, Boston, Mass., and Ralph E. Anderson, treasurer of the corporation.

INTERSTATE SHIPMENT: From the States of Pennsylvania, Illinois, and Indiana, into the State of Massachusetts, of quantities of *Benzedrine Sulfate tablets*, *pentobarbital sodium capsules*, and *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about September 12, 14, 20, 22, 25, 27, and 28, and October 3 and 4, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use in that the directions "One tablet at eight A. M. one at four P. M. with water" borne on the labeling of the *Benzedrine Sulfate tablets* and "One capsule at bedtime" borne on the labeling of the *pentobarbital sodium capsules* and the *Seconal Sodium capsules* were not adequate directions for use; and, Section 502 (e) (1), the repackaged *Benzedrine Sulfate tablets* failed to bear a label containing the common or usual name of the drug.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* and the *pentobarbital sodium capsules* contained derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: June 12, 1951. Pleas of nolo contendere having been entered, the court fined the corporation \$250 and the individual \$50.

3486. Misbranding of phenobarbital tablets, Dexedrine Sulfate tablets, and thyroid tablets. U. S. v. Brice Carlton (Owl Drug Store), and Durward B. Allen. Pleas of nolo contendere. Imposition of sentence suspended and each defendant placed on probation for 1 year. (F. D. C. No. 30019. Sample Nos. 77127-K, 77713-K, 77717-K, 77728-K.)

INFORMATION FILED: January 31, 1951, Western District of Arkansas, against Brice Carlton, trading as the Owl Drug Store, Nashville, Ark., and Durward B. Allen, an employee of Brice Carlton.

INTERSTATE SHIPMENT: From the States of Indiana, Pennsylvania, and Tennessee, into the State of Arkansas, of quantities of *phenobarbital tablets*, *Dexedrine Sulfate tablets*, and *thyroid tablets*.

ALLEGED VIOLATION: On or about March 8, 9, 15, and 16, 1950, while the drugs were being held for sale after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Brice Carlton was charged with causing the acts of repacking and sale of the drugs involved in each of the 4 counts of the information, and Durward B. Allen was charged likewise in 3 of the counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear any directions for use.

Further misbranding, Section 502 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: May 30, 1951. Pleas of nolo contendere having been entered, the court suspended the imposition of sentence against the defendants and placed each defendant on probation for 1 year without supervision.

3487. Adulteration and misbranding of Crompton's headache powders. U. S. v. Charles Crompton & Sons, Inc., and George Crompton. Pleas of guilty. Fine of \$25 against each defendant. (F. D. C. No. 30003. Sample Nos. 63470-K, 63484-K, 63485-K.)

INFORMATION FILED: January 12, 1951, District of Massachusetts, against Charles Crompton & Sons, Inc., Lynn, Mass., and George Crompton, president-treasurer of the corporation.

ALLEGED SHIPMENT: On or about February 6 and April 5 and 8, 1950, from the State of Massachusetts into the State of Maine.

LABEL, IN PART: "Crompton's Headache Powders Each Dose Contains 2½ Grains Acetanilid With Caffeine, Salol * * * Chas. Compton & Sons, Inc. Sole Proprietors Lynn, Massachusetts Contents: 9 Powders Of 1 Dose Each Nine 25¢ Size Powders."

NATURE OF CHARGE: Adulteration, Section 501(c), the strength of the article differed from that which it was represented to possess since each dose of the article was represented to contain 2½ grains of acetanilid, whereas each dose of the article contained more than 2½ grains of acetanilid.

Misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium, and it was fabricated from 2 or more ingredients, one of which was acetanilid; and the label of the article failed to bear a statement of the quantity or proportion of the acetanilid contained therein. The label of the article bore the statement "Each Dose Contains 2½ Grains Acetanilid," whereas each dose of the article contained more than 2½ grains of acetanilid. Further misbranding, Section 502(c), the information required by Sections 502 (f) (1) and (2) to appear on the labeling was not prominently placed on the labeling with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the directions for use required by Section 502 (f) (1) to appear on the labeling and the warnings against use required by Section 502 (f) (2) to appear on the labeling were not legibly printed on the labeling of the article.

DISPOSITION: May 23, 1951. Pleas of guilty having been entered, the court imposed a fine of \$25 against each defendant.